

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the matter of	)	
	)	
Amendment of Section 73.202(b)	)	
FM Table of Allotments,	)	
FM Broadcast Stations	)	
(Pierce, Nebraska)	)	MM Docket No. 01-340
	)	RM-10345
	)	
(Coosada, Alabama)	)	MM Docket No. 01-341
	)	RM-10346
	)	
(Pineview, Georgia)	)	MM Docket No. 01-342
	)	RM-10347
	)	
(Diamond Lake, Oregon)	)	MM Docket No. 01-343
	)	RM-10348

**REPORT AND ORDER  
(Proceeding Terminated)**

**Adopted: April 3, 2002**

**Released: April 12, 2002**

By the Assistant Chief, Audio Division:

1. The Audio Division considers herein a multiple docket *Notice of Proposed Rule Making* setting forth four separate proposals to amend the FM Table of Allotments, Section 73.202(b) of the Rules. Each proposal involves adding a community to the FM Table of Allotments. Each petitioner filed comments reiterating its intention to file an application for construction permit at each locality and effectuate the change of community if granted. Comments in support were filed in one of the proceedings.

2. This is a multiple docket *Report and Order* issued in response to a Commission *Public Notice* released October 2, 1998 (DA 98-1987). We are combining separate FM allotment proposals into a single *Report and Order*. Each proposal has its own docket and rule making number and the Commission's Reference Center will maintain a separate file for each docket. As discussed in the *Public Notice*, this procedure will conserve Commission resources and expedite the processing of FM allotment petitions for rule making by avoiding duplicative actions. We discuss the following proposals:

**A. MM Docket No. 01-340, RM-10345**

**Petitioner: Pierce Radio, LLC  
C/O Lawrence Bernstein  
Law Offices of Lawrence Bernstein  
1818 N Street, NW  
Suite 700  
Washington, DC 20036**

**Determination:** Allot Channel 248C2 at Pierce, Nebraska, as the community's first local aural transmission service.

Accordingly, pursuant to the authority contained in Sections 4 (i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective May 28, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel No.</u>
Pierce, Nebraska	248C2

Coordinates: 42-11-30 NL and 97-28-00 WL.

**Additional Information:** Channel 248C2 is allotted at Pierce at a site 5 kilometers (3.1 miles) east of the community. Petitioner Pierce Radio, LLC, filed comments in support of the allotment, stating that it would file an application for the channel and build the station. Michael C. Flood also filed comments in support. Both commenters addressed the community status of Pierce, and state that it is a community for allotment purposes. We agree. Pierce is the largest community in Pierce County, and is the county seat. It has a 1990 US Census population of 1615 persons, and a 2000 US Census population of 1,774 persons. The city has a mayor and city council as well as a city administrator, zoning administrator, city clerk and treasurer. It has several city departments, and a police and volunteer fire department. It is also planning to build a library. As the county seat, Pierce houses county offices, and county officials. In addition, there are churches, businesses, medical facilities and recreational facilities.

**FCC Contact:** Victoria M. McCauley (202) 418-2180.

**B. MM Docket No. 01-341, RM-10346**

**Petitioner:** Media Equities Corp.  
C/O Dan J. Alpert  
Law Offices of Dan J. Alpert  
2120 N. 21<sup>st</sup> Rd.  
Arlington, VA 22201

**Determination:** Allot Channel 226A at Coosada, Alabama as the community's first local aural transmission service.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective May 28, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Coosada, Alabama	226A

Coordinates: 32-26-58 NL and 86-11-38 WL

**Additional Information:** Channel 226A is allotted at Coosada at a site 14 kilometers (8.7 miles) southeast of the community. Petitioner Media Equities Corp. filed comments reiterating its intention to file an application for the channel, if allotted. We have determined that Coosada is a community for

allotment purposes. Coosada is an incorporated town with a 2000 U.S. Census population of 1,382 persons. It is governed by a mayor and five-member city council. In addition, it has its own police and fire departments, six churches, and several businesses, including a bank, car dealer, gas station, grocery store and pharmacy.<sup>1</sup>

**FCC Contact:** Victoria M. McCauley (202) 418-2180.

**C. MM Docket No. 01-342, RM-10347**

**Petitioner:** Data+Corp.  
C/O Dan J. Alpert  
Law Offices of Dan J. Alpert  
2120 N. 21<sup>st</sup> Rd.  
Arlington, VA 22201

**Determination:** Allot Channel 226A at Pineview, Georgia, as the community's first local aural transmission service.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules, IT IS ORDERED That effective May 28, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Pineview, Georgia	226A

Coordinates: 32-00-44 NL and 83-28-19 WL.

**Additional Information:** Channel 226 is allotted at Pineview at a site 8.4 kilometers (5.3 miles) southeast of the community. Petitioner Data+Corp. filed comments in support of the allotment and stating that it would file an application for the channel, if allotted. We have determined that Pineview is a community for allotment purposes.

**FCC Contact:** Victoria M. McCauley (202) 418-2180.

**D. MM Docket No. 01-343, RM-10348**

**Petitioner:** Robert W. Larson  
161 Millsview Lane  
Roseburg, Oregon 97470

**Determination:** Allot Channel 299A at Diamond Lake, Oregon, as the community's first local aural transmission service.

Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g), and (r), and 307(b) of the Communications Act of 1934, as amended, and 0.61, 0.204(b) and 0.283 of the Commission's Rules,

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<sup>1</sup> We also received an informal filing dated December 12, 2001, addressed to a Sharon Black referencing this allotment. To our knowledge, this pleading was not served on the petitioner and makes no actual request or comment to the Commission. We have not considered this pleading herein.

IT IS ORDERED That effective May 28, 2002, the FM Table of Allotments, Section 73.202(b) of the Commission's Rules, IS AMENDED, with respect to the communities listed below, as follows:

<u>Community</u>	<u>Channel</u>
Diamond Lake, Oregon	299A

Coordinates: 43-10-44 NL and 122- 8-16 WL

**Additional Information:** Channel 299A can be allotted at Diamond Lake without a site restriction. Petitioner Robert W. Larson filed comments in support of the allotment, stating that he will apply for the channel if allotted, and giving additional information on the community status of Diamond Lake. We have determined that Diamond Lake is a community for allotment purposes. Diamond Lake is an unincorporated resort community in a remote location in the Cascade Mountains. It has a U.S. Forest Service Ranger Station and a volunteer fire department. The community has approximately 175 year-round residents, and there are more than 3,000 year-round residents in the surrounding area. It is on Highway 138 and receives more than one million visitors per year. It is in the Rand McNally Road Atlas. There are many websites devoted to it. Petitioner lists over thirty- five entities that are located in the immediate area. He claims that the community receives no local radio or television signals due to the terrain, and that for safety, the community needs its own local service.

**FCC Contact:** Victoria M. McCauley (202) 418-2180.

3. Filing windows for Channels 248C2 at Pierce, Nebraska, 226A at Coosada, Alabama, 226A at Pineview, Georgia, and 299A at Diamond Lake, Oregon will not be opened at this time. Instead the issue of opening these allotments for auction will be addressed by the Commission in a subsequent *Order*.

4. For further information concerning a proceeding listed above, contact the FCC contact listed for that proceeding. Questions related to the application process for Channels 248C2 at Pierce, Nebraska, 226A at Coosada, Alabama, 226A at Pineview, Georgia, and 299A at Diamond Lake, Oregon should be addressed to the Audio Division, Media Bureau (202) 418-2700.

5. IT IS FURTHER ORDERED That this proceeding IS TERMINATED.

FEDERAL COMMUNICATIONS COMMISSION

John A. Karousos  
Assistant Chief, Audio Division  
Office of Broadcast License Policy  
Media Bureau